



Department of Energy

ROCKY FLATS PROJECT OFFICE
12101 AIRPORT WAY, UNIT A
BROOMFIELD, COLORADO 80021-2583

MAR 07 2006

06-DOE-00025

Mr. Al Nelson, Rocky Flats Coordinator
City of Westminster
4800 West 92nd Avenue
Westminster, Colorado 80031

Dear Mr. Nelson:

I am in receipt of your letter dated February 15, 2006, to Ms. Laura Brooks (now of CH2M Hill, Inc.) and myself, transmitting comments on the *Draft Resource Conservation and Recovery Act Facility Investigation – Remedial Investigation/Corrective Measures Study – Feasibility Study Report (Report)*, dated October 2005. Thank you for your comments; we will consider these as we finalize the document over the coming weeks. However, you raised some questions and concerns regarding the process that will be followed to reach a Corrective Action Decision/Record of Decision (CAD/ROD) for Rocky Flats, in particular opportunities for public involvement. I would like to take this opportunity to clarify the process as it is now envisioned.

The version of the *Report* that was distributed to local stakeholders last October is the same version that is now under review by our regulators, and was delivered at the same time. The *Report* was released to the public primarily for information purposes, in order that stakeholders could familiarize themselves with the information and analyses that will form the basis of the Proposed Plan, which will enumerate the preferred alternative for future action at Rocky Flats. As you are aware, the U.S. Department of Energy (DOE), along with our regulators, the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE), participated in several public meetings prior to and following the release of the *Report*, to inform stakeholders of its contents and answer questions. While the *Report* was not released for formal public comment, we have committed to consider public comments on it as we finalize the document. In your comments, you note that the alternatives evaluated in the *Report* do not contain details of site monitoring and inspection protocols. Rather, these details may be found in documents such as the Integrated Monitoring Plan and the monitoring and maintenance plans for the landfills, which have been previously released to the public.

The Proposed Plan, which we anticipate releasing in early June, will identify the preferred alternative for future actions at Rocky Flats, based upon the information and alternatives presented in the *Report*. The Proposed Plan is the public's opportunity to formally comment on the final remedial action for Rocky Flats, though of course DOE, EPA and CDPHE have afforded extensive opportunity for comment on the interim remedial actions that have taken place throughout the closure of the site. The Proposed Plan will be released for a sixty-day public comment period in late May or early June, which will include a public hearing to receive comments on the Proposed Plan. The DOE will prepare a responsiveness summary, and comments from the public and regulators will be considered in the preparation of the CAD/ROD (this incidentally, is the reason that state and community acceptance are not evaluated until the CAD/ROD is issued).

ADMIN RECORD

SW-A-005295

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Mr. Al Nelson
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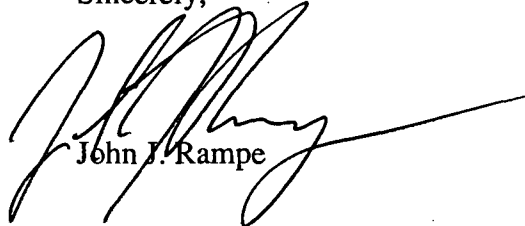
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Following the receipt of public comments and any final comments from the regulators, DOE, EPA and CDPHE will issue the CAD/ROD, expected late this fall. The CAD/ROD will document the final remedial action for Rocky Flats. It will include a description of site conditions, the scope of the remedial actions, a description of the selected remedy, the cleanup levels attained, and the rationale for selecting the remedy. The CAD/ROD will constitute the final remedial decision for Rocky Flats. Contrary to an assertion in your letter, this decision has not been made and cannot be made until this entire process takes place, resulting in the CAD/ROD. There is no regulatory requirement for a public comment period for the CAD/ROD.

Finally, your letter mentions the subjects of natural resources damages and a Memorandum of Understanding (MOU) between DOE and the U.S. Department of Interior (DOI) for Rocky Flats. Recent Congressional legislation, contained in the Defense Authorization Act of 2006, prescribed a natural resources settlement for Rocky Flats involving the DOE purchase of certain mineral rights at Rocky Flats. This legislation also obviated the need for an MOU between DOE and DOI. The natural resources trustees at Rocky Flats (DOE, the State of Colorado and DOI) are currently discussing the process for mineral rights acquisition and will involve the public as this process is developed.

Once again, thank you for your comments. If you have any questions, please call me at (303) 966-6246.

Sincerely,


John J. Rampe

cc:

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